

FILED  
2013 JAN -8 PM 4:11

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

DEBRA LASHAWAY, PHILIP  
KAPLAN,

Plaintiffs,

v.

JUSTMUGSHOTS.COM,  
BUSTEDMUGSHOTS.COM,  
MUGSHOTSONLINE CITIZENS  
INFORMATION ASSOCIATES LLC,  
FINDMUGSHOTS.COM,  
MUGREMOVE.COM

Defendants.

3 : 13 C V 0043  
CASE NO.

[formerly Court of Common Pleas,  
Lucas County, OH Case No:  
CI0201206547]

JUDGE ZOUHARY

MAG. JUDGE JAMES R. KNEPP II

**NOTICE OF REMOVAL**

Defendant, Justmugshots.com hereby removes Case No: CI0201206547 from the Court of Common Pleas for Lucas County, Ohio, to the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and as grounds for its removal states as follows.

**Statement of the Case**

1. On December 3, 2012 Plaintiffs filed a Complaint in the Court of Common Pleas for Lucas County, OH styled *Debra Lashaway, Phillip Kaplan v. Justmugshots.com, BustedMugshots.com, Mugshotsonline.com, Findmugshots.com, Mugremove.com*. A copy of the Complaint is attached as Exhibit A.

2. Justmugshots.com was served with the summons and Complaint on December 14, 2012.

3. The Complaint purports to assert two causes of action including: (a) violation of Ohio Revised Code Sec. 2741.01 and (b) unjust enrichment.

4. Plaintiffs purport to bring each of their claims on behalf of themselves and a putative class.

5. The relief Plaintiffs seek on behalf of themselves and the putative class includes: (a) temporary or permanent injunctive relief, (b) actual damages in an unspecified amount, (c) at Plaintiffs' election \$10,000 for each member of the putative class, (d) punitive damages, (e) treble damages, (f) impoundment under section 2741.02 of the Revised Code, (g) expenses and reasonable attorneys fees, (h) any further relief as the Court deems just and appropriate.

**Diversity Jurisdiction Under 28 U.S.C. § 1332(a)**

6. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiffs and Defendants and more than \$75,000 is at stake.

7. Plaintiffs allege they are residents of the state of Ohio.

8. Justmugshots.com is not a citizen of Ohio because its sole owner is a citizen of California. BustedMugshots.com and Mugshotsonline.com are owned by Citizens Information Associates LLC which is a citizen of Texas. Findmugshots.com is alleged to be a citizen of Arizona. MugRemove.com is a citizen of Florida. Therefore, there is complete diversity between Plaintiffs and Defendants in this action.

9. Plaintiffs request unspecified actual damages and alternatively \$10,000 in statutory damages for each member of the class. Plaintiffs allege the class consists of more than

259,000 (Compl. at p. 1). Thus well over \$75,000 is in controversy and the jurisdictional threshold under Section 1332(a) is satisfied.

**Jurisdiction Under the Class Action Fairness Act (CAFA)**

10. Jurisdiction also exists under 28 U.S.C. § 1332(d) because (1) minimum diversity is satisfied, (2) the number of class members is greater than 100, and (3) the amount in controversy exceeds \$5 million. 28 U.S.C. §§ 1332 (d)(2), (d)(5)(B).

11. Because Plaintiffs are citizens of Ohio and Justmugshots.com is a citizen of California, at least one member of the class is diverse from at least one defendant and minimum diversity is satisfied.

12. Plaintiffs define the class as consisting of more than 259,000 persons (Compl. at p. 1). Accordingly the number of class members is well in excess of 100.

13. The amount in controversy also exceeds \$5 million as required by 28 U.S.C. § 13323(d)(2). The Plaintiffs seek on behalf of themselves and the class actual and/or statutory damages of at least \$10,000 per class member (Prayer for Relief at P. 4) plus attorneys fees and expenses. Even if Plaintiffs were seeking as little as twenty dollars as damages per class member the jurisdictional minimum would be satisfied.

14. Because minimum diversity exists, the number of class members is greater than 100, and the amount in controversy exceeds \$5 million, this Court has jurisdiction under CAFA. 28 U.S.C. §§ 1332(d)(2), (d)(5)(B).

**All Procedural Requirements for Removal Have Been Satisfied**

15. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all the process, pleadings, orders, and documents from the State Court Action which have been served upon Justmugshots.com are being filed with this Notice of Removal.

16. This Notice of Removal has been filed within 30 days of the date that Justmugshots.com was served with the summons in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446 (b).

17. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Northern District of Ohio is the federal jurisdiction embracing the Court of Common Pleas for Lucas County, OH where the State Court Action was originally filed.

### **Conclusion**

By this Notice of Removal, Justmugshots.com does not waive any objections it may have as to service, jurisdiction, or venue, or any other defenses or objections it may have to this action. Justmugshots.com intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions, and/or pleas.

Dated: January 7, 2013

Respectfully Submitted,



Joshua G. Jones

*(Pro Hac Vice admission pending)*

401 Congress Ave Suite 1540

Austin, TX 78701

Tel: 512-687-6221

Fax: 512-687-6249

Email: jjones@jgjoneslaw.com

**Certificate of Service**

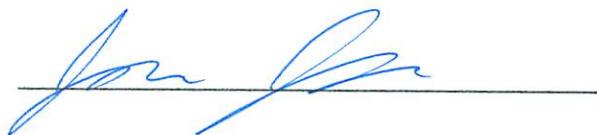
I certify that on January 7, 2012, this NOTICE OF REMOVAL was served on Plaintiffs Attorney of Record via Certified U.S. Mail RRR to:

Scott A. Ciolek

Ciolek Ltd. - Attorneys at Law

520 Madison Ave, Suite 820

Toledo, Ohio 43604

A handwritten signature in blue ink, appearing to read "John Ciolek", is written over a solid horizontal line.